IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.6683 of 2006

Siddha Sarana Sangh & Ors. ..Petitioners

Versus

The State of Maharashtara & Ors..Respondents

Mr. S.G. Deshmukh, for the petitioners
Mr. P.P. Kakade, AGP for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
S.J.VAZIFDAR, JJ.
DATED : 7TH FEBRUARY, 2007

P.C.

. Rule. Heard forthwith. The petitioner No.1 is a society. The petitioner NO.2 is the Chairman of the society and the petitioner No.3 is the Head Master. It is their case that one Shri Ashok S. Shinde was in their employment. His services were terminated. An Appeal was preferred by the aforesaid Shinde before the School Tribunal. The Tribunal on merits found with the aforesaid Shinde, but held that the Appeal was barred by limitation. No sufficient explanation had been offered for condonation of delay and consequently dismissed the Appeal. Aggrieved Shinde preferred a Writ Petition being Writ Petition No.2192 of 1990 which came to be disposed of on 20th October, 2004. The petition was allowed and the petitioner has been directed to be reinstated forthwith. The petitioner gave up his claim for back wages. Consequently this Court held that

he would not be entitled for any back wages. However, his services were to be treated as continuous so as to claim benefits other than monetary benefits. That order was complied with by the petitioners. According to the petitioners the petitioners have reinstated Shri Shinde on 5th November, 2004. The petitioners thereafter applied to the respondents for release of the salary grants. On failure by the respondent state to release the salary grant the present petition. In the light of that the petition is disposed of by issuing the following directions:-

(i) The Application for approval for the appointment of Shinde made by the petitioners to the Education Officer (Secondary) Zilla Parishad be considered according to law and disposed of not later than eight weeks from today considering the order of this Court dated 20th October, 2004.

(ii) If the approval is granted then to release the salaries from the date of reinstatement i.e. from 5th November, 2004 onwards in terms of the salary bill submitted and to be submitted in future.

(iii) The salary bills as submitted, if approval is granted, to be paid to him within eight weeks thereafter.

(iv) Rule made absolute accordingly. There shall be no order as to costs.

(**F.I. REBELLO**, J)

(S.J.VAZIFDAR, J.)